

EXHIBIT 2

1 James F. Basile (SBN 228965)
james.basile@kirkland.com
2 Elizabeth L. Deeley (SBN 230798)
elizabeth.deeley@kirkland.com
3 Adam L. Gray (SBN 262557)
adam.gray@kirkland.com
4 KIRKLAND & ELLIS LLP
555 California Street
5 San Francisco, California 94104
Telephone: (415) 439-1400
6 Facsimile: (415) 439-1500

7 Susan Marie Davies (*Admitted pro hac vice*)
susan.davies@kirkland.com
8 KIRKLAND & ELLIS LLP
655 Fifteenth Street, N.W.
9 Washington, D.C. 20005
Telephone: (202) 879-5000
10 Facsimile: (202) 879-5200

11 Attorneys for Defendant
FACEBOOK, INC.

12
13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**
15

16 SAMBREEL HOLDINGS LLC; YONTOO LLC;
and THEME YOUR WORLD LLC,

17 Plaintiffs,

18 vs.

19 FACEBOOK, INC.,

20 Defendant.

21 CASE NO. 12-CV-00668-CAB-KSC

22 **SUPPLEMENTAL DECLARATION OF**
JAMES E. HUNG IN SUPPORT OF
DEFENDANT FACEBOOK, INC.'S
OPPOSITION TO PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION

23 Judge: Hon. Cathy Ann Bencivengo

SUPPLEMENTAL DECLARATION OF JAMES E. HUNG

I, James E. Hung, declare as follows:

1. I am a Digital Forensic Examiner at Stroz Friedberg, LLC (“Stroz Friedberg”). I provide this supplemental declaration in support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for Preliminary Injunction. This supplemental declaration is based upon my own personal knowledge except where otherwise indicated, and if called as a witness, I could and would competently testify to the facts stated herein.

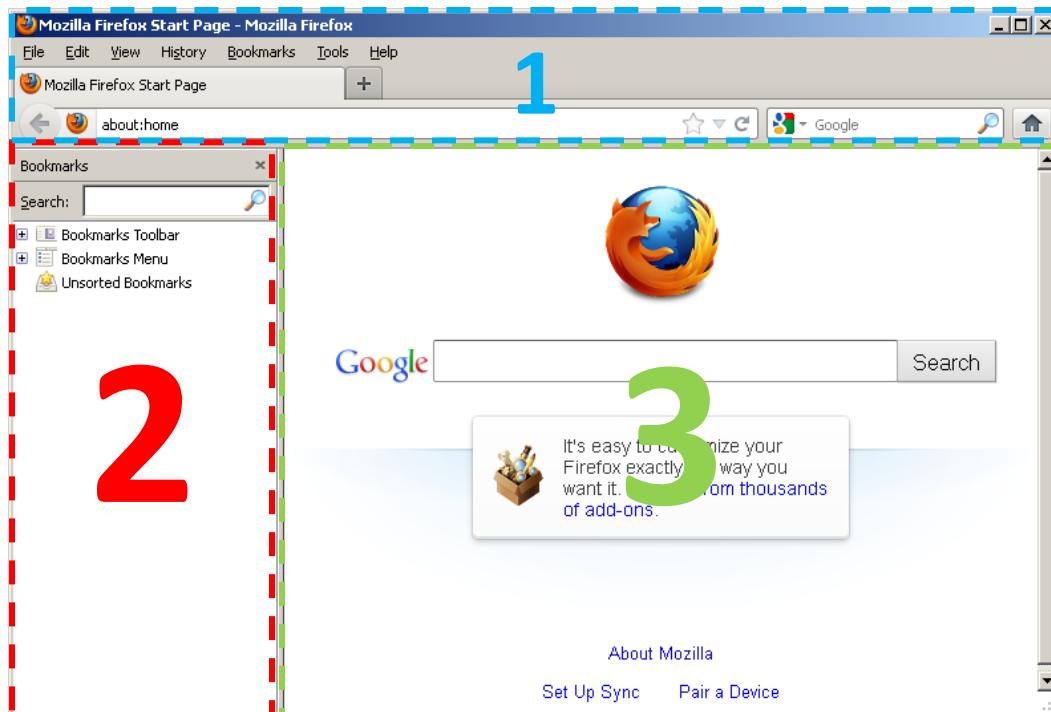
2. I have reviewed the Declaration of Matthew Adams in Support of Plaintiffs' Reply on Preliminary Injunction in which Mr. Adams suggests that the Facebook Toolbar "modifies a user's web browsing experience" by obscuring or pushing website content from the visible area of the browser window. (Adams Decl. ¶¶ 16-23). Mr. Adams description of the Facebook Toolbar is misleading and mischaracterizes its behavior as somehow comparable to Plaintiffs' application platform and associated software application known as "PageRage."

3. As I concluded in my initial declaration, Plaintiffs' PageRage software injects code which modifies the Facebook HTML instructions received by the user's web browser in order to change displayed content, add control menu items to Facebook's navigations menu, and insert non-Facebook third-party advertising panes into the standard Facebook layout. (Hung Decl. ¶ 35).

4. Unlike PageRage, the Facebook Toolbar does not inject code, nor does it otherwise affect changes to the instructions received by a user’s web browser for a corresponding webpage the user visits. Instead, the Facebook Toolbar is constructed using XML User Interface Language (“XUL”), developed by Mozilla for use in its Firefox web browser. As such, the Facebook Toolbar is part of the web browser’s Graphical User Interface (“GUI”) and not the result of code modifications to any website’s code structure.

5. Figure 1 demonstrates common elements of web browser GUIs. Highlight (1) indicates the area of the web browser window commonly used for navigation controls, such as the “address bar” and “tabs” which allow a user to open multiple pages at once in the same web browser window. Highlight (2) indicates the position of “sidebar” elements of many browser interfaces.

1 Sidebars are often used by web browsers to give the user access to additional features, like browsing
 2 history or bookmarks. Highlight (3) indicates the browser's viewing pane, which is where webpage
 3 content is displayed pursuant to the instructions received by the web browser from the servers
 4 hosting the visited webpage.



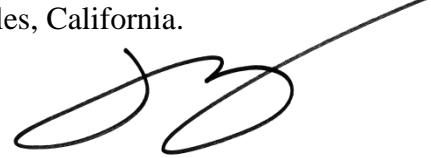
17 *Figure 1 – Common Elements of Web Browser Graphical User Interfaces.*

18 6. Plaintiff's PageRage software injects code which affects the content displayed in the
 19 viewing pane (Highlight 3 in Figure 1 above). The Facebook Toolbar, on the other hand, operates in
 20 an altogether separate way by adding a sidebar GUI element (similar to Highlight 2 in Figure 1
 21 above) to the browser itself. Mozilla Firefox has two built-in sidebar GUI elements – Bookmarks
 22 and History -- that operate in the same fashion as the Facebook Sidebar. These sidebar utilities are
 23 similarly resizable to the user's preference, and as such may resize the viewing pane accordingly.
 24 The sidebar resizing behavior described by Mr. Adams is an inherent, built-in function of modern
 25 web browsers. In sum, while PageRage injects content that is displayed in the viewing pane for the
 26 underlying website (such that it appears to be "part of" the website), the Facebook Toolbar does not
 27

1 affect the underlying website and instead appears in a completely separate browser pane – one that
2 can be toggled off by the user with ease at any time.
3

4 I declare under penalty of perjury under the laws of the United States that the foregoing is
5 true and correct to the best of my knowledge and belief.
6

7 Executed this 6th day of August 2012, at Los Angeles, California.
8



9 James E. Hung
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28